

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claim 1 has been amended to overcome the 35 USC 112, first paragraph, rejection. Claim 20 has been amended to overcome the indefiniteness rejection under 35 USC 112, second paragraph. Claims 21 and 22 have been newly added to expand the scope of protection for this invention; this subject matter is supported at least in the specification at page 4, third paragraph. The claim amendments and new claims 21 and 22 were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 1-20 were rejected, under 35 USC §103(a), as being unpatentable over Sackner et al. (US 6,551,252) in view of Nissila (US 2002/0068873). To the extent these rejections are deemed applicable to Applicant's amended and new claims, the Applicant respectfully traverses based on the points set forth hereinbelow.

It is submitted that Sackner fails to disclose the features recited in new claim 21 of:

(1) attaching an electronic wireless transmitter to electrically conductive fabric straps sewn into a washable

garment of clothing so as to create electrical contact between the skin of the person wearing the garment and the fabric strips and thereby complete an electrical circuit for the transmitter through the person's skin that provides heart beat signals to the transmitter and

(2) detaching the transmitter from the fabric straps so that the garment may be washed without damaging the transmitter.

The Final Rejection proposes that Sackner's electronic sensors 42-44 correspond to the claimed transmitter (see the Final Rejection at section 7, line 7). However, the Applicant noted that Sackner does not disclose that sensors 42-44 are removably attachable to electrodes 10 and 11 and does not disclose that the garment 1 to which sensors 42-44 are attached is washable.

The claimed subject matter provides an advantage of allowing a person to attach a transmitter to sewn-in straps of a garment when he wishes to monitor his heart rate and detach the transmitter when he wishes to wash the garment or merely discontinue monitoring his heart beat. The ability to detach the transmitter from the garment before the garment is washed prevents the transmitter electronics from being damaged in the wash. Moreover, the detachable nature of the transmitter allows the garment of clothing to be worn much as would be a similar

article of clothing without others noticing the special purpose of the garment. It is submitted that these features cannot be achieved by Sackner's ambulatory monitoring garment.

Nissila is cited for a teaching of use of waterproof materials for devices that provide heart beat signal measurements and transmitters. Nissila is not cited in the Final rejection for supplementing the teachings of Sackner with regard to the above-described features (1) and (2) and the advantages flowing therefrom.

Accordingly, the Applicant submits that the applied references, considered alone or in combination, do not anticipate or render obvious the subject matter defined by new claim 21. Claim 22 similarly recites the above-described features distinguishing method claim 21 from the applied references, but with respect to an apparatus. Therefore, allowance of claims 21 and 22 is warranted.

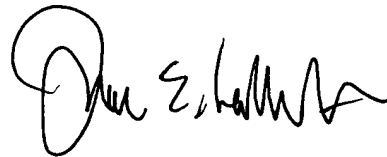
The Applicant submits that the subject matter defined by claims 1-20 similarly provides the advantages described above in connection with claim 21. The Applicant submits that the remarks presented in the Amendment dated February 15, 2006, combined with the remarks above, distinguish the subject matter of claims 1-20 from the individual or combined teachings of the applied references. Therefore, allowance of claims 1-20 is deemed

to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Ledbetter', with a large, stylized initial 'J'.

James E. Ledbetter  
Registration No. 28,732

Date: November 21, 2006  
JEL/DWW/att

Attorney Docket No. L9079.03107  
STEVENS DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
P.O. Box 34387  
Washington, D.C. 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200